

**Council of Juvenile Services
January 11, 2007
Ft. Pierre, SD
Meeting Minutes**

Thursday, January 11th, 2007

Council of Juvenile Services Members Present: Carol Twedt, Mike Leidholt, Victor Erlacher, Dave Nelson, Joanna Vitek, Doug Herrmann, Karen Jeffries, Susan Randall, Gib Sudbeck, Grant Walker, Nancy Allard, and Janine Kern.

Council of Juvenile Services Members Absent: JC Chambers, Ella Rae Stone, Virgena Wieseler, Beth O'Toole

Others Present: Kevin McLain, Jodi Kirschenman, Joy Erlenbusch, and Liz Heidelberger from DOC

1. WELCOME, INTRODUCTIONS, and REVIEW OF AGENDA

Chair Carol Twedt called the meeting to order at 10:10 AM and introductions were made. The agenda was reviewed. Twedt modified the agenda by adding a brief update from Nancy Allard on the Centralized Intake Pilot Project.

2. CENTRALIZED INTAKE PILOT PROJECT UPDATE

Nancy Allard indicated they are three weeks into the project with Minnehaha County JDC as the pilot site to analyze and make sure it's working. The project started on December 20th for a minimum of 90 days, but may go longer if need be. Additional meetings will be held for those involved to identify issues and solutions. Rapid City's JDC will be the next intake center for the project. Discussion ensued.

3. APPROVAL OF CJS MEETING MINUTES FROM OCTOBER 18-19, 2006

Susan Randall moved to delete the first sentence in item 7 and approve the minutes with this change, Judge Karen Jeffries seconded. Motion carried.

4. CJS FY06 ANNUAL REPORT

Kevin McLain reiterated that the Council of Juvenile Services oversees the State's participation in the Juvenile Justice and Delinquency Prevention Act Formula Grants Program. The Council is required to make an annual report to the Governor and Legislature on the State's progress in meeting the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The Council is also responsible, pursuant to SDCL 1-15-30 (8), for making an annual report to the Governor, Chief Justice and the Legislature on the status of Children in Need of Supervision. Provided in the meeting materials packet is a draft of the FY'06 Annual Report that serves to meet both of the aforementioned requirements. McLain asked for the Council's input on their report so that staff can get it finalized, printed, and sent out. He indicated that staff are in the process of getting printing bids from Pheasant Land Industries in Sioux Falls, and from Central Duplicating in Pierre.

Judge Janine Kern volunteered to be on a subcommittee to review the draft report. Susan Randall recommended members email their comments to Jodi Kirschenman. Gib Sudbeck asked if the violation rates are acceptable rates. Discussion ensued with an explanation of what the rates mean. Kern suggested that the numbers of kids that are served in our systems be incorporated into the report to accurately reflect the Juvenile Justice System in the State. She indicated these are important statistics to education the Legislature and others. McLain said he will work on a Juvenile Justice Overview section to be added between the CJS and the Systems Improvement sections, with a lot of data coming from the Kids Count.

Kern asked the Council's thoughts about releasing the report to the press and doing a press release. Discussion ensued. Kirschenman indicated that the report is mailed to the Governor, members of the SD Legislature, Chief Justice, Supreme Court Justices, Circuit Court Judges, Chief Court Service Officers, State's Attorney's, Sheriff's, Legislative Research Council, members of the Council of Juvenile Services, OJJDP, and to the State Library. Joanna Vitek requested that Police Chiefs be added to the mailing list. *Judge Janine Kern moved to expand the mailing list to the media with a supplement of a system overview, Judge Karen Jeffries seconded. Motion carried.*

Dave Nelson asked about the need to mention House Bill 1059 in the draft letter. Discussion ensued.

5. JUVENILE JUSTICE RECORDS COMMITTEE DRAFT LEGISLATION STATUS UPDATE

The Juvenile Justice Records Committee completed its work on the draft bill that would allow for the appropriate sharing of records between the Departments of Social Services, Corrections and the Court. This bill, House Bill

1059, was developed through the Council of Juvenile Services' efforts to comply with the Juvenile Justice and Delinquency Prevention Act and is a significant accomplishment of the Council of Juvenile Services and the Juvenile Justice Records Committee.

McLain said there is no known opposition at this time. Randall questioned the impact of the information on decisions for placement of the child. Kern explained the issues and mandates that are applicable, the information that is allowed to be shared and how the information would be used in placement decisions. McLain informed the Council that the Legislative Research Council (LRC) split up Section 1 of the bill. This change impacted the substance of the bill. The LRC was approached with an amendment to put the bill back to its original version. Twedt thanked McLain and the members who served on this committee.

6. LEGISLATION IMPACTING JUVENILE JUSTICE

Randall requested this item be on the agenda for information sharing purposes and asked Doug Herrmann to talk about House Bill 1058. Herrmann said that HB 1058 would clarify the DOC's authority to place youth 18 and over in residential placement and jail; would allow the DOC to use community-based services for juveniles; and clarify the authority of the Secretary to discharge youth prior to reaching the age of 21.

Kern requested that the Chief Justice be given this information to avoid duplicating services. She stressed the need for a cohesive approach. Randall added that this is the group to hash this issue out, and asked what it would take to have more collaboration. Discussion ensued. Herrmann concluded with saying there is \$411,000 in the DOC budget to be used for community based services, intensive day services, and assessments to serve approximately 80 youth.

7. BUDGET STATUS REPORT

McLain gave an update on the following budget topics along with the budget spreadsheets that were provided:

- ◆ Reimbursement Program Status – Counties continue to be reimbursed for detention costs, transportation, shelter care, holdover and electronic monitoring costs. \$441,847.88 has been reimbursed over the past 2 ½ years, and there is \$600,000 in the budget for this area.
- ◆ Subgrantee Budget Status – March 31, 2007 is the end date for the subgrants but this can be extended if need be as the grant ends June 30th. Joy Erlenbusch provided budget updates on DMC; Kirschenman gave updates on System Improvement Subgrantees and Native American Pass-Through Subgrantees. Kern asked if it would be wise to contract with an entity to work with the tribes to apply for their funding. Twedt suggested that the TAG research this and get back to the CJS with suggestions. Randall said this would be put on the next TAG agenda.
- ◆ FY'03 Budget Status – McLain reviewed the 2003 budget items and indicated that this money should be expended by June 30, 2007 and not returned to the Feds.
- ◆ FY'04, FY'05, FY'06 Spending Plan – McLain reviewed the proposed budget, which currently shows no money for additional Systems Improvement Subgrants. He encouraged the Council to continue discussing and reviewing the system improvement needs so that if the Council would have money, they can move on it. McLain plans to do a budget amendment on the next grant so that there are not any negative amounts. Erlenbusch and Kirschenman will contact their subgrantees to get their reimbursement requests in.

8. FEDERAL ADVISORY COMMITTEE UPDATE

Kern informed the Council that the FAC met October 21 – 22nd in South Carolina. Her term expires January 1, 2008 as will Doug Herrmann's so South Dakota will need two replacements. Robert Flores, OJJDP, talked about collaboration with schools and the need for solutions without detention. XML was another topic of discussion in South Carolina, which is a standards development and electronic data exchange throughout the justice and public safety communities. This is a national standard that entities are to try to strive for and there is also software that helps agencies collaborate through their systems.

Kern will be sending Kirschenman a copy of the FACJJ report that was sent to the President and Congress, and then Kirschenman will send this out to the Council. The report shows that DMC is the #1 National issue, Mental Health Assessment and Treatment is the #2 issue, and Detention Reform is the #3 issue. Recommendations of the FAC to the President are in regards to the following topics: Mental Health and Substance Abuse service mandates, Title-19 changes for services to incarcerated youth, Evaluate evidence-based strategies to decrease DMC, and Life without parole issue. The FAC recommends that OJJDP collect data on all those who are under the age of 18 sentenced to death, and request that Congress resentence all these youth to serve life without parole (currently there are five kids in the federal system).

Kern summarized that she would like the CJS to explore FERPA exemptions, wants CJS to prioritize CHIPS' Presumptive Eligibility (eleven states have done this), she'd like to send a representative to the annual DMC conference, and would the Council to again consider joining the Coalition for Juvenile Justice (CJJ). The cost to join is \$5,000 per year and South Dakota would have a voice at the table and hear about the cutting edge practices. Mike Leidholt recommended CJJ membership and FAC membership be on the next meeting agenda.

9. SERVICES FOR HIGH RISK FAMILIES

Kern indicated that the court is contracting with VOA to serve high risk pregnant girls (currently there are eight on the docket and who are also CHINS). There is still a need for therapeutic foster care as respite, and there are huge gaps in the provision of services. Therefore, Kern wants to reformulate the SI Committee. Kern, with the help of McLain, will be consulting with Chair Twedt on who to appoint to the new SI Committee to address these issues. This committee would then make recommendations back to the Council for consideration.

10. DMC UPDATE

Randall and Erlenbusch reviewed the DMC items in the annual report. One recommendation that derived from yesterday's DMC meeting was to Item D. ***On behalf of the DMC committee, Susan Randall moved to change the language from 'research' to 'impact', in order to support changing the compulsory school age. Judge Janine Kern seconded. Motion carried.***

An additional motion from yesterday's DMC committee is for CJS to develop locally available dispositional options for Status Offenders in rural areas and near reservations. Mike Leidholt requested to amend the motion to say, "CJS encourage locally". Therefore, the motion is for ***CJS to encourage locally available dispositional options for Status Offenders in rural areas and near reservations, Judge Janine Kern seconded. Discussion ensued and the Council decided to have the System Improvement Committee review this request.***

11. JUVENILE JUSTICE TRIBAL ADVISORY GROUP UPDATE

Judge Karen Jeffries updated the Council on the latest items from the TAG's recent meeting, which was held November 29th in Sioux Falls. Agenda items included training, talking circles, statewide intervention, Crow Creek Sioux Tribe's data collection book, the Tribal Juvenile Justice System guidebook, and the Tribal Resolution. The purpose of the Resolution is to get Tribes to understand the lack of funding for juvenile services and that there is still a need for services. They, as Tribal leaders, need to attain sustainability of funding. The Tribal Resolution passed without any questions.

The next meeting will be held March 9th, 2007 in Pierre and the DMC Committee will meet prior to the TAG. Discussion ensued on missed opportunities by the Tribes.

SDVC's contract has expired. Randall indicated that she does not want this group to be routinized. She said two Tribes have dropped off, but the remaining Tribes/attendees have a consistent core. Randall asked the CJS for guidance. Kern recommended the CJS fund a contract with SDVC for another year and to look into a contractor to open the doors for the Tribes to get them to access the Division of Drug and Alcohol services. McLain questioned if there is a need to bring the Tribal drug and alcohol service providers together. Discussion ensued. ***Mike Leidholt moved to fund SDVC for another year for \$20,000, at \$2,000 per meeting plus meeting expenses with facilitation by SDVC and require a year end report, Doug Herrmann seconded. Susan Randall and Judge Kern exited the room during the vote. Motion carried.***

McLain reiterated the Council's direction for SDVC to assume with the Tribes: 1) facilitate/assist with accessing of Title-19 as outlined by Gib Sudbeck; 2) assist Tribes and Departments with accessing Native American Pass-Through dollars; 3) update Tribal directory on an annual basis; and 4) Implementation of Title-19 for programs be brought back to the Council.

12. NATIVE AMERICAN PASS-THROUGH APPLICATION UPDATE

Kirschenman reviewed the handout and explained the NAP applications for third year funding that were received. ***Susan Randall moved to approve the applications for the amounts listed and for staff to approve the remaining applications once the applicable Tribes submit the needed corrections to their applications, Joanna Vitek seconded. Motion carried.***

Kirschenman reviewed the three NAP Supplemental applications that were submitted. Discussion took place on whether or not to allow Tribes to still submit an application for third year funding under the regular NAP solicitation. However, if this is allowed, the CJS could not approve the supplemental applications that three Tribes took the effort to complete and submit. ***Mike Leidholt moved to approve the supplemental NAP funding requests, Gib Sudbeck seconded. Motion carried.***

13. 2007 JUVENILE JUSTICE SYMPOSIUM PLANNING

Randall handed out a proposed budget of \$38,305 for the Symposium. \$25,000 of this would come out of Formula Grant funds. She reviewed other resources that could cover costs, and discussed regional meetings that came from the last symposium. She stressed the need to formulate a planning committee and the need to come up with a theme. During a past CJS meeting, it was suggested that there be special emphasis on DMC during the next Symposium. **Judge Janine Kern moved to fund \$25,000 for the 2007 Symposium, Mike Leidholt seconded. Motion carried.**

CJS members who volunteered to be on the planning committee are: Doug Herrmann, Carol Twedt, Judge Janine Kern, Judge Karen Jeffries, and Gib Sudbeck volunteered one of his staff.

14. COMMITTEE MEMBERSHIP ADJUSTMENTS

McLain suggests that those individuals who are not CJS members, but serve on CJS' subcommittees be called by staff and asked if they want to continue serving. CJS members are asked to notify Jodi Kirschenman of their membership status if they wish to serve on a different subcommittee than the one they've been appointed to. Randall suggested the Ad Hoc Legislative Committee be closed.

Mike Leidholt moved to formulate the System Improvement Committee, Victor Erlacher seconded. Kern explained the duties of the committee would be to 1) identify what gaps exist in services and 2) what services could fill these gaps. Kern is will to chair this committee again and work with staff on reformulating it. **Motion carried.** Kern asked for McLain's input on members and asked that Department Heads be considered to serve on this committee. Joanna Vitek requested to be on this committee.

15. OLD BUSINESS

- ◆ SCRAM Update – Erlenbusch explained the contract that is in place to purchase SCRAM monitors for court kids who have probation violations.
- ◆ CJS Support of Atty. General Long's SCRAM alternative for youth – McLain contacted Bill Mickelson at Attorney General Long's office. A bill has been filed to set up a fund to operate SCRAM for adults. CJS has grant funds for SCRAM units for juveniles at this point, so McLain recommends that longer-term dialog be established for a juvenile SCRAM program down the road.
- ◆ Designation of Facility Standards Committee Chairperson – Chair Carol Twedt will appoint someone as the FSC Chairperson.
- ◆ Contact with Governor's on age 18 compulsory attendance – McLain contacted Wade Pogany with the Dept. of Education, who welcomes any support on this bill. Kern offered to testify in support of the bill if need be. Letters of support will be sent from Chair Twedt to the Chairpersons of the Legislative Committees – this is in the past minutes, so the Council will act on their previous motion.
- ◆ DMC Press Release – The DMC Press Release has been drafted, Chair Twedt approved it, and it will be sent to the Governor's staff with a brief DMC overview.

16. NEW BUSINESS

FY'07 JABG grant application is due to the OJJDP by the end of February, so the Council will authorize the CJS Executive Committee to review and approve this application. The FY '07 Title V and FY '07 Title II grant applications are due to the OJJDP by March 31st. The CJS will review these applications at their next meeting.

Randall handed out a copy of "Parents Guidebook to Mental Health" to each member.

Kern asked to join CJJ for \$5,000 per year. Leidholt asked if she'd be our representative and attend the CJJ meetings. Kern is willing to do so in CY08. **Susan Randall moved to join CJJ, Gib Sudbeck seconded. Discussion ensued. Gib Sudbeck moved to table the motion until the next CJS meeting, Doug Herrmann seconded. Motion carried.**

17. SCHEDULE NEXT MEETING

The next meeting is set for Friday, March 23, 2007 in Chamberlain.

18. WRAP-UP and ADJOURN

The meeting adjourned at 3:03 PM, CT. **Gib Sudbeck moved to adjourn; Karen Jeffries seconded. Motion carried.**